

Serial No. 10/016,047  
Group Art Unit: 3637

### **REMARKS**

This acknowledges the Final rejection of claims 1 and 2 under 35 U.S.C. 102(b) as being anticipated by Barnsteiner (U.S. Patent No. 2,225,762). Since the oven rack glide of Barnsteiner obviously is not intended to function as a towel warmer and dryer cabinet, further study of the reference has been conducted to learn why the reference fails in that respect. The study has led to the realization, belatedly, that the structural difference between applicant's towel warmer and dryer cabinet and the oven rack glide of Barnsteiner resides in Barnsteiner's disclosure that his one-piece rack 24 is not attached to the casing 10, but rather it is manually removable freely from the oven casing 10 and manually slid back into the oven casing (page 2, column 1, lines 18-22) to facilitate loading and unloading the rack of foodstuffs for oven baking or refrigerating or freezing (page 2, column 1, lines 38-42).

It is to be noted that the one-piece rack 24 is used by the Examiner to provide all of the structural features which the Examiner compares with the several separate components recited in applicant's claim 1. Thus, applicant's recitation of a towel rod support frame (e.g. 30, 34), laterally spaced frame members (e.g. 36), and towel support rod (e.g. 38), all are identified by the Examiner as integrated elements of Barnsteiner's rack, all identified by the reference numeral 24.

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Barnsteiner's mounting for the one-piece rack 24 is provided by the corrugations 22 and the necked in metal 25 adjacent slots 20 formed in the strips 14, 15 secured to and projecting into the casing 10 through apertures 18 or 18a in the side walls 11 of the casing 10 (page 1, column 2, lines 27-59).

Applicant's claim 1 as amended herein recites, at paragraph d (the reference numerals are added parenthetically to assist the Examiner):

"d) securing means (40, 42), on the cabinet, side walls for mounting said support frame (30, 34) for movement of said at least one towel support rod (38) through said open front side of the cabinet between a position retracted within the cabinet and a position extended forwardly of and adjacent the upper end of the open front end of the cabinet".


In Barnsteiner the rack 24 must be manipulated by hand, since there is no structure provided for supporting and moving the rack, and the rack may be positioned manually on any one of a plurality of sets of corrugations 22 fixed to the side walls of the casing 10 at vertically spaced locations from top to bottom of the open front of the casing.

It is to be noted that the structure recited in amended paragraph d of claim 1 affords movement of the cabinet-secured rod support frame between the retracted and extended positions while maintaining the rod adjacent the upper end of said open front end of the cabinet, so that towels draped or otherwise supported by the

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rod will hang vertically downward and terminate above the floor. There is nothing in the disclosure of Barnsteiner that provides a mechanical mounting of the rod 24 for movement between retracted and extended positions and that insures maintenance of the rod 24 adjacent the upper end of the open front end of the casing 10.


Thus, applicant's structure as now recited in claim 1 provides for the mechanical support of a towel rod 38 adjacent the upper end of the open front end of the cabinet, by virtue of the towel rod being supported by the towel rod support frame 30, 34 which is mounted on the side walls of the cabinet and movable between the retracted and extended positions adjacent the top end of the open front end of the cabinet. In Barnsteiner, the front rod of the rack 24 is movable between a retracted position within the casing 10 and an extended position outwardly of the open front end of the casing, only by the physical effort of a person manually moving the rack. Barnsteiner also teaches mounting the rack 24 at various vertical positions within the oven casing, to accommodate various modes of cooking.

From the foregoing, it is submitted that amended claim 1 recites structure which clearly identifies the towel rod support frame 30, 34 mounted on the side walls of the cabinet and movable between retracted and extended positions relative to the open front end of the cabinet, while remaining adjacent the upper end of the open front end of the cabinet. It is submitted that the structure now clearly recited

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in amended claim 1 is not even remotely suggested by Barnsteiner. Indeed, the only way that the front rod of the rack 24 can be maintained in the upper portion of the open end of the casing, is to ignore the teachings of Barnsteiner of the need for a multiplicity of vertically spaced corrugations 22 in order to adjust the rack to various vertical positions within the casing. Even so, adjustments of the rod between the retracted and extended positions must be done by the physical exertion of an individual.

Accordingly, it is submitted that the recitation in amended claim 1 of the towel rod support frame being secured to the side walls of the cabinet and the towel support rod extending between and supported by said frame members and maintained adjacent the upper end of the open front side of the cabinet, distinguishes patentably over the reference Barnsteiner. Therefore claim 1 is properly allowable as a generic claim, and dependent claims 2, 4, 5 and 10 also are properly allowable with generic claim 1.

With the allowance of claim 1 as herein amended, the allowable claims 3 and 6-9 are retained in dependent form, and it is submitted that dependent claims 2, 4, 5 and 10 also now are in proper condition for allowance.

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Favorable reconsideration and passage of this case to issue with claims 1-10,  
is solicited.

Respectfully submitted,

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